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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,344	02/14/2006	Markus Bold	286006US0PCT	2561
22850 7590 01/27/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KOSACK, JOSEPH R				
ART UNIT 1626		PAPER NUMBER		
NOTIFICATION DATE 01/27/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/568,344

Applicant(s)

BOLD ET AL.

Examiner

Joseph R. Kosack

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 19-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 19-41 are pending in the instant application.

Election/Restrictions

Applicant's election with traverse of compound 7 in the reply filed on 08 September 2008 is acknowledged. The traversal is on the ground(s) that the species share a common core structure. This has been found to be persuasive, and a new lack of unity requirement is set forth below.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.


Group I, claim(s) 19-41 (in part), drawn to diodes comprising a compound of formula I



where m is 0, o is 0, n is 3, and carbene is -.

c1ccc(cc1)n2c(c3ccccc3n2)c4ccccc4

where m is 0, o is 0, n is 3, and carbene is



where m is 1, o is 1, n is 2, and carbene is \cdot \dots

c1ccc(cc1)N2C(=N3C(=N2)C(=C4C(=C3)C(=C5C(=C4)C(=C6C(=C5)C(=C7C(=C6)C(=C8C(=C7)C(=C9C(=C8)C(=C10C(=C9)C(=C11C(=C10)C(=C12C(=C11)C(=C13C(=C12)C(=C14C(=C13)C(=C15C(=C14)C(=C16C(=C15)C(=C17C(=C16)C(=C18C(=C17)C(=C19C(=C18)C(=C20C(=C19)C(=C21C(=C20)C(=C22C(=C21)C(=C23C(=C22)C(=C24C(=C23)C(=C25C(=C24)C(=C26C(=C25)C(=C27C(=C26)C(=C28C(=C27)C(=C29C(=C28)C(=C30C(=C29)C(=C31C(=C30)C(=C32C(=C31)C(=C33C(=C32)C(=C34C(=C33)C(=C35C(=C34)C(=C36C(=C35)C(=C37C(=C36)C(=C38C(=C37)C(=C39C(=C38)C(=C40C(=C39)C(=C41C(=C40)C(=C42C(=C41)C(=C43C(=C42)C(=C44C(=C43)C(=C45C(=C44)C(=C46C(=C45)C(=C47C(=C46)C(=C48C(=C47)C(=C49C(=C48)C(=C50C(=C49)C(=C51C(=C50)C(=C52C(=C51)C(=C53C(=C52)C(=C54C(=C53)C(=C55C(=C54)C(=C56C(=C55)C(=C57C(=C56)C(=C58C(=C57)C(=C59C(=C58)C(=C60C(=C59)C(=C61C(=C60)C(=C62C(=C61)C(=C63C(=C62)C(=C64C(=C63)C(=C65C(=C64)C(=C66C(=C65)C(=C67C(=C66)C(=C68C(=C67)C(=C69C(=C68)C(=C70C(=C69)C(=C71C(=C70)C(=C72C(=C71)C(=C73C(=C72)C(=C74C(=C73)C(=C75C(=C74)C(=C76C(=C75)C(=C77C(=C76)C(=C78C(=C77)C(=C79C(=C78)C(=C80C(=C79)C(=C81C(=C80)C(=C82C(=C81)C(=C83C(=C82)C(=C84C(=C83)C(=C85C(=C84)C(=C86C(=C85)C(=C87C(=C86)C(=C88C(=C87)C(=C89C(=C88)C(=C90C(=C89)C(=C91C(=C90)C(=C92C(=C91)C(=C93C(=C92)C(=C94C(=C93)C(=C95C(=C94)C(=C96C(=C95)C(=C97C(=C96)C(=C98C(=C97)C(=C99C(=C98)C(=C100C(=C99)C(=C101C(=C100)C(=C102C(=C101)C(=C103C(=C102)C(=C104C(=C103)C(=C105C(=C104)C(=C106C(=C105)C(=C107C(=C106)C(=C108C(=C107)C(=C109C(=C108)C(=C110C(=C109)C(=C111C(=C110)C(=C112C(=C111)C(=C113C(=C112)C(=C114C(=C113)C(=C115C(=C114)C(=C116C(=C115)C(=C117C(=C116)C(=C118C(=C117)C(=C119C(=C118)C(=C120C(=C119)C(=C121C(=C120)C(=C122C(=C121)C(=C123C(=C122)C(=C124C(=C123)C(=C125C(=C124)C(=C126C(=C125)C(=C127C(=C126)C(=C128C(=C127)C(=C129C(=C128)C(=C130C(=C129)C(=C131C(=C130)C(=C132C(=C131)C(=C133C(=C132)C(=C134C(=C133)C(=C135C(=C134)C(=C136C(=C135)C(=C137C(=C136)C(=C138C(=C137)C(=C139C(=C138)C(=C140C(=C139)C(=C141C(=C140)C(=C142C(=C141)C(=C143C(=C142)C(=C144C(=C143)C(=C145C(=C144)C(=C146C(=C145)C(=C147C(=C146)C(=C148C(=C147)C(=C149C(=C148)C(=C150C(=C149)C(=C151C(=C150)C(=C152C(=C151)C(=C153C(=C152)C(=C154C(=C153)C(=C155C(=C154)C(=C156C(=C155)C(=C157C(=C156)C(=C158C(=C157)C(=C159C(=C158)C(=C160C(=C159)C(=C161C(=C160)C(=C162C(=C161)C(=C163C(=C162)C(=C164C(=C163)C(=C165C(=C164)C(=C166C(=C165)C(=C167C(=C166)C(=C168C(=C167)C(=C169C(=C168)C(=C170C(=C169)C(=C171C(=C170)C(=C172C(=C171)C(=C173C(=C172)C(=C174C(=C173)C(=C175C(=C174)C(=C176C(=C175)C(=C177C(=C176)C(=C178C(=C177)C(=C179C(=C178)C(=C180C(=C179)C(=C181C(=C180)C(=C182C(=C181)C(=C183C(=C182)C(=C184C(=C183)C(=C185C(=C184)C(=C186C(=C185)C(=C187C(=C186)C(=C188C(=C187)C(=C189C(=C188)C(=C190C(=C189)C(=C191C(=C190)C(=C192C(=C191)C(=C193C(=C192)C(=C194C(=C193)C(=C195C(=C194)C(=C196C(=C195)C(=C197C(=C196)C(=C198C(=C197)C(=C199C(=C198)C(=C200C(=C199)C(=C201C(=C200)C(=C202C(=C201)C(=C203C(=C202)C(=C204C(=C203)C(=C205C(=C204)C(=C206C(=C205)C(=C207C(=C206)C(=C208C(=C207)C(=C209C(=C208)C(=C210C(=C209)C(=C211C(=C210)C(=C212C(=C211)C(=C213C(=C212)C(=C214C(=C213)C(=C215C(=C214)C(=C216C(=C215)C(=C217C(=C216)C(=C218C(=C217)C(=C219C(=C218)C(=C220C(=C219)C(=C221C(=C220)C(=C222C(=C221)C(=C223C(=C222)C(=C224C(=C223)C(=C225C(=C224)C(=C226C(=C225)C(=C227C(=C226)C(=C228C(=C227)C(=C229C(=C228)C(=C230C(=C229)C(=C231C(=C230)C(=C232C(=C231)C(=C233C(=C232)C(=C234C(=C233)C(=C235C(=C234)C(=C236C(=C235)C(=C237C(=C236)C(=C238C(=C237)C(=C239C(=C238)C(=C240C(=C239)C(=C241C(=C240)C(=C242C(=C241)C(=C243C(=C242)C(=C244C(=C243)C(=C245C(=C244)C(=C246C(=C245)C(=C247C(=C246)C(=C248C(=C247)C(=C249C(=C248)C(=C250C(=C249)C(=C251C(=C250)C(=C252C(=C251)C(=C253C(=C252)C(=C254C(=C253)C(=C255C(=C254)C(=C256C(=C255)C(=C257C(=C256)C(=C258C(=C257)C(=C259C(=C258)C(=C260C(=C259)C(=C261C(=C260)C(=C262C(=C261)C(=C263C(=C262)C(=C264C(=C263)C(=C265C(=C264)C(=C266C(=C265)C(=C267C(=C266)C(=C268C(=C267)C(=C269C(=C268)C(=C270C(=C269)C(=C271C(=C270)C(=C272C(=C271)C(=C273C(=C272)C(=C274C(=C273)C(=C275C(=C274)C(=C276C(=C275)C(=C277C(=C276)C(=C278C(=C277)C(=C279C(=C278)C(=C280C(=C279)C(=C281C(=C280)C(=C282C(=C281)C(=C283C(=C282)C(=C284C(=C283)C(=C285C(=C284)C(=C286C(=C285)C(=C287C(=C286)C(=C288C(=C287)C(=C28

where m is 1, o is 1, n is 2, and carbene is

Group V, claim(s) 19-41(in part), drawn to any other compound of Formula I not mentioned in Groups I-IV. If the Applicant decides to elect Group V, Applicant must additionally elect a single compound for the Examiner to build a group around.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the groups are linked together via formula I which does not have a constant core structure. Lack of a constant core structure leads to an *a priori* determination of lack of unity as there is no substantial shared structure to act as the special technical feature.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Kosack whose telephone number is (571)272-5575. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph R Kosack/
Examiner, Art Unit 1626